

### **Continued Examination Under 37 CFR 1.114**

The applicant appreciates the Examiner indicating that the continuation of prosecution is appropriate.

### **Claim Rejections Under 35 USC § 112**

The claim rejections under 35 USC § 102 of claims 1-16 were rejected as being anticipated by Hinchman, U.S. Patent No. 2,517,877.

First of all, only claim 1 appears to have been analyzed by the Office Action. There does not appear to be reference to any of the limitations in claims 2-16. Accordingly, this is believed to be an improper rejection at least as it relates to claims 2-16 as it appears to fail to make a *prima facie* case of anticipation because it does not address those additional claim elements.

As it relates to claim 1, the Office Action cites element 18 of Hinchman as a by-pass passageway which is described in Hinchman as a coaxial conduit. It is important to remember that in the claims, additional flow of gas is provided through the restricted orifice and the by-pass passageway in the second position. This is not shown or described in Hinchman. Accordingly, this is believed to be sufficient to fully address this claim rejection.

Claims 1-4, 6-10, 12-15 were rejected as being anticipated by Ridenour, U.S. Patent No. 5,025,990.

The seal as originally claimed was a separate and distinct element from the coupling. In order to clarify this, the applicant has made the seal “distinct of the coupling” in an effort to require a seal distinct from a coupling.

No reference to a seal apart from the coupling has been identified by the Office Action and a seal is described in the specification which is believed to provide a number of advantages for the applicant in the preferred embodiment.

When the applicant states "the seal distinct of the coupling" the applicant merely means that the seal is a separate element from the coupling. A seal could possibly work in conjunction with coupling (such as with threads in the preferred embodiment) in various manners as would be understood by those of ordinary skill in the art, but no such seal believed to be is provided in the '990 Patent.

Claims 5, 11 and 16 were rejected as being obvious over Ridenour in view of Murray, U.S. Patent No. 3,601,316. Claims 5, 11 and 16 depend from claim 1 and for purposes of this Response, can stand or fall with the claims from which they depend.

Claim 17-20 have been added. Claim 17 includes language similar to previously rejected claim 1 which gave rise to the filing of this RCE. The applicant has reviewed this issue related to the 35 USC § 112 rejection provided in an earlier Office Action dated April 18, 2006 and believes that the proposed claim limitations are clearly provided by the figures as originally filed and that the Board of Patent and Appeal and Interferences would find in this manner.

### **Conclusion**

As affected by the enclosed Amendment and Response, claims 1-20 are now pending and allowance is respectfully requested.

Date: November 27, 2006

Respectfully-submitted,

By: 

Stephen J. Stark  
Reg. No. 43,152  
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient first-class postage addressed to:

Mail Stop Fee Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

on this 27<sup>th</sup> day of November, 2006.

By: Beverly L. Middleton  
Beverly L. Middleton